

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

30  
Case Number: 05-202-MAP

THE WOLFINGTON GROUP,

Plaintiff

v.

BERTERA CHEVROLET, PONTIAC, BUICK,  
INC.

Defendant

ANSWER

FILED  
IN CLERK'S OFFICE  
2005 OCT 14 A 9:39  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

The Defendant Bertera Chevrolet, Pontiac, Buick, Inc. ("Bertera") responds to the numbered paragraphs of the Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted to the first sentence of paragraph three, denied as to the remainder.
4. Admitted.
5. Admitted.
6. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph six of the Complaint.
7. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph seven of the Complaint.
8. Admitted.
9. Denied.

10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph fourteen of the Complaint.
15. Admitted.
16. Admitted as to the first sentence of paragraph sixteen. Denied as to the remainder of the paragraph as there is not an Exhibit C attached to the Complaint.
17. Denied.
18. Admitted.
19. Admitted.
20. Admitted.
21. Denied.
22. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph twenty-two of the Complaint.
23. Denied.

**COUNT I**  
**(Copyright Infringement)**

24. Defendant incorporates by reference its responses to paragraphs one through twenty-three of the Complaint.
25. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph twenty-five of the Complaint.
26. Denied.
27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied

**COUNT II**

**(Violation Of Massachusetts Consumer Protection Act, M.G.L. ch 93A)**

33. Defendant incorporates by reference its responses to paragraphs one through thirty-two of the Complaint.

34. Admitted.

35. Admitted.

36. Denied.

37. Denied.

38. Denied

**COUNT III**

**(Breach of Contract)**

39. Defendant incorporates by reference its responses to paragraphs one through thirty-nine of the Complaint.

40. Denied.

41. Denied

**FIRST AFFIRMATIVE DEFENSE**

The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff has suffered no harm nor is there a likelihood of harm.

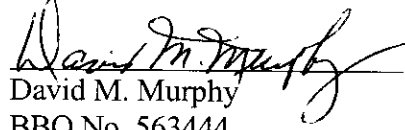
**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's copyright infringement claim is barred by the doctrine of scenes a faire.

WHEREFORE, THE DEFENDANT respectfully demands Judgment for the Defendant with costs and interest and other such remedies which the Court deems just.

Respectfully submitted,  
THE DEFENDANT,  
BERTERA CHEVROLET, PONTIAC,  
BUICK, INC.

By its Attorney,

A handwritten signature in black ink, appearing to read "David M. Murphy", is written over the printed name.

David M. Murphy

BBO No. 563444

Mulberry Law Group

127 Mulberry Street

Springfield, MA 01105

(413) 732-3320

Dated: October 12, 2005